

In the Matter of Application Serial No. 75/449,634

Applicant

Opposition No. 115,494

Arlington, Virginia 22202-3513

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assigned the marks and registrations to UDV Amsterdam B.V., as recorded at Reel/Frame No. 1992/0865. The Malibu Marks were then assigned to Guinness United Distillers & Vintners Amsterdam B.V. as recorded at Reel/Frame No. 2361/0532.


On May 23, 2002, pursuant to an agreement between the parties, Allied Domecq acquired all rights, title and interest in and to, *inter alia*, the Malibu Marks from Guinness United Distillers & Vintners Amsterdam B.V. A copy of the documents reflecting this assignment was filed on August 21, 2002 with the U.S. Trademark Office for recordation. Attached herewith is a copy of that filing.

Accordingly, Allied Domecq respectfully requests that it be joined or substituted as the Opposer to this proceeding as deemed appropriate by the Board. Further, it is respectfully requested that all correspondence in this matter directed to Allied Domecq be directed to:

Edward T. Colbert, Esq.
KENYON & KENYON
1500 K Street, NW
Washington, DC 20005
(202) 220-4200
(202)220-4201 (facsimile)

Respectfully submitted,
KENYON & KENYON

Dated: January 23, 2003


Edward T. Colbert
Karen L. Feisthamel
Kenyon & Kenyon
1500 K Street, N.W.
Washington, DC 20005
(202) 220-4200

Attorneys for Allied Domecq
Spirits & Wine USA, Inc.

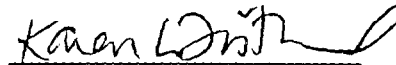
CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2003, I caused a copy of the foregoing **MOTION TO SUBSTITUTE PARTY AND STIPULATED MOTION TO SUSPEND PROCEEDING** to be served by first class mail, postage prepaid, on all counsel and pro se parties of record at the following addresses:

Ezra Sutton
EZRA SUTTON, P.A.
Plaza 9
900 US Route 9
Woodbridge, New Jersey 07095

- and -

Carl H. Settlemyer
LUTZKER & LUTZKER
Suite 450
1000 Vermont Ave, N.W.
Washington, DC 20005


Karen L. Feisthamel

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 75/449,634

TWELVE ISLANDS SHIPPING
COMPANY LIMITED,

Opposer,

v.

TROPICAL CHEESE INDUSTRIES, INC.

Applicant

Opposition No. 115,494

BOX TTAB

NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

REVOCATION AND POWER OF ATTORNEY

The undersigned, duly authorized by the Opposer in the above-referenced proceeding,¹ hereby appoints Edward T. Colbert and Karen L. Feisthamel of Kenyon & Kenyon, 1500 K Street, N.W., Washington, D.C. 20005, (202) 220-4200, who are members of the Bar of the District of Columbia, its attorneys, with full power of substitution and revocation, to take and transact all business in the Patent and Trademark Office with regard to the above-referenced trademark application, including the above-referenced Opposition proceeding before the

¹ Allied Domecq Spirits & Wines USA, Inc., is the successor in interest in this proceeding to Guinness United Distillers & Vintners Amsterdam B.V., which is the succesor in interest to this proceeding to Twelve Islands Shipping Company. Documentation in support of this is provided with Motion to Substitute Party being filed concurrently herewith.

Trademark Trial and Appeal Board, and to receive all communications and notices relative thereto, including the certificate of registration.

Please direct all correspondence to:
Edward T. Colbert, Esq.
Kenyon & Kenyon
1500 K Street, N.W.
Washington, D.C. 20005
Tel. (202) 220-4200
Fax: (202) 220-4201

All previous former Powers of Attorney are hereby revoked.

ALLIED DOMECQ SPIRITS & WINE USA, INC.

Dated: January 23, 2003

By: Harold Gorman
Name: Harold Gorman
Title: Senior Vice President - General Counsel

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2003, I caused a copy of the foregoing
REVOCATION AND POWER OF ATTORNEY to be served by first class mail, postage
prepaid, on all counsel and pro se parties of record at the following addresses:

Ezra Sutton
EZRA SUTTON, P.A.
Plaza 9
900 US Hwy 9
Woodbridge, New Jersey 07095

- and -

Carl H. Settlemyer
LUTZKER & LUTZKER
Suite 450
1000 Vermont Ave, N.W.
Washington, DC 20005


Karen L. Feisthamel

THE TRADEMARK OFFICE DATE STAMP ACKNOWLEDGES RECEIPT OF:

Applicant, Registrant, Parties: Industries - Twelve Island Shipping Co. v. Tropical CheeseNo. (Application, Registration, Cancellation, Opposition) 115,494

Filing or Registration Date: _____

Mark TROPICAL + Design

- | | | | | | |
|-------------------------------------|--|--------------------------|---------------|--------------------------|-------------|
| <input type="checkbox"/> | Trademark Application | <input type="checkbox"/> | Specimen(s) | <input type="checkbox"/> | Drawing |
| <input type="checkbox"/> | Office Action Response | | | | |
| <input type="checkbox"/> | Assignment | | | | |
| <input type="checkbox"/> | Amendment to Allege Use | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Statement of Use | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Sec. 8 Decl. | <input type="checkbox"/> | Sec. 15 Decl. | <input type="checkbox"/> | Specimen(s) |
| <input type="checkbox"/> | Renewal Application | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Opposition | <input type="checkbox"/> | Cancellation | | |
| <input type="checkbox"/> | Request for Extension of Time to File (Statement of Use or Opposition) | | | | |
| <input type="checkbox"/> | Check \$ | Check No.: _____ | | | |
| <input checked="" type="checkbox"/> | Other <u>Stipulated Request for Suspension</u> | | | | |

Atty/Secy CAB/MBS Docket No. 125.046 Date 5/24/01

ACTION DOCKETED Status / Susp. Granted?
DUE DATE 7/2/01
BY MBS ON 5/24/01

DOCKETED _____
DUE DATE _____
BY _____ ON _____

THE TRADEMARK OFFICE DATE STAMP ACKNOWLEDGES RECEIPT OF:

Applicant, Registrant, Parties: Industries - Twelve Island Shipping Co. v. Tropical CheeseNo. (Application, Registration, Cancellation, Opposition) 115,494

Filing or Registration Date: _____

Mark TROPICAL + Design

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| <input type="checkbox"/> Trademark Application | <input type="checkbox"/> Specimen(s) | <input type="checkbox"/> Drawing |
| <input type="checkbox"/> Office Action Response | | |
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| <input type="checkbox"/> Renewal Application | <input type="checkbox"/> Specimen(s) | |
| <input type="checkbox"/> Opposition | <input type="checkbox"/> Cancellation | |
| <input type="checkbox"/> Request for Extension of Time to File (Statement of Use or Opposition) | | |
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| <input checked="" type="checkbox"/> Other <u>Stipulated Request for Suspension</u> | | |

RECEIVED
JUL 24 P 2 03
U.S. PATENT & TRADEMARK OFFICE

TRADEMARK FEE PROCESS
RECEIVED

Atty/Secy QAB/MBS Docket No. 125.046 Date 5/24/01



1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
202.220.4200
Fax 202.220.4201

Fax Transmission

Please deliver to:

Name	Company	Fax
Cheryl Goodman	TTAB	703.308.9333

From: **Karen L. Feisthamel**

Date: January 23, 2003

Client/Matter: 11873-81

Total number of pages: 11
(including cover)

Re: Opposition Proceeding No. 115,494
Serial No.: 75/449,634
Twelve Island Shipping Co., Ltd. v. Tropical Cheese Industries, Inc.

Please call 202.220.4224 if any pages were not received or are illegible.

Message:

As discussed, attached is a copy of the Stipulated Request for Suspension that was filed on May 24, 2001. In addition, attached is a copy of the Motion to Join or Substitute Party which we are filing today.

Please do not hesitate to contact me if there is further documentation required. My direct line is 202-220-4268.

Best regards,
KENYON & KENYON


Karen Feisthamel

☒ Original will not follow ☐ Original will follow by ☐ Regular Mail ☐ Overnight Delivery ☐ Hand Delivery

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.